

EXHIBIT A

THOMAS W. BEVAN, ESQ. - 02/21/2018

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY

4 KIMBERLEE WILLIAMS,) CASE NO. 2:11-CV-01754
et al.,) (JLL)(JAD)
5)
Plaintiffs,)
6)
versus)
7) DEPOSITION OF
BASF CATALYSTS, LLC,)
8 et al.,) THOMAS W. BEVAN, ESQ.
)
9 Defendants.)

Deposition of THOMAS W. BEVAN, ESQ., a Witness
herein, called by the Defendants for Cross-Examination
pursuant to the Federal Rules of Civil Procedure, taken
before me, the undersigned, Anika W. Patrick, a
Registered Merit Reporter, Certified Realtime Reporter
and Notary Public in and for the State of Ohio, at the
offices of Thompson Hine, LLP, 3900 Key Center, 127
Public Square, Cleveland, Ohio, on Wednesday, February
21, 2018, at 11:49 a.m.

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| <p>1 APPEARANCES:</p> <p>2</p> <p>3 On Behalf of the Plaintiffs:</p> <p>4 Harry M. Roth, Esq.</p> <p>5 Jared M. Placitella, Esq.</p> <p>6 Cohen, Placitella & Roth</p> <p>7 Two Commerce Square</p> <p>8 2001 Market Street, Suite 2900</p> <p>9 Philadelphia, Pennsylvania 19103</p> <p>10 215.567.3500</p> <p>11 hroth@cpirlaw.com</p> <p>12 jmplacitella@cpirlaw.com</p> <p>13</p> <p>14 On Behalf of the Defendant BASF Catalysts, LLC:</p> <p>15 Peter A. Farrell, Esq.</p> <p>16 Eugene F. Assaf, Esq.</p> <p>17 Elizabeth Dalmut, Esq.</p> <p>18 Kirkland & Ellis, LLP</p> <p>19 655 Fifteenth Street, Northwest, Suite 1200</p> <p>20 Washington, D.C. 20005</p> <p>21 202.879.5000</p> <p>22 Peter.farrell@kirkland.com</p> <p>23 Eugene.assaf@kirkland.com</p> <p>24 Elizabeth.dalmut@kirkland.com</p> <p>25</p> <p>16 On Behalf of the Defendants Cahill Gordon &</p> <p>17 Reindel, LLP, Howard G. (Peter) Sloane, and Ira J.</p> <p>18 Dembrow:</p> <p>19 Anthony Vale, Esq.</p> <p>20 Pepper Hamilton, LLP</p> <p>21 3000 Two Logan Square</p> <p>22 Eighteenth and Arch Streets</p> <p>23 Philadelphia, Pennsylvania 19103-4750</p> <p>24 215.981.4000</p> <p>25 valea@pepperlaw.com</p> | <p>1 I N D E X</p> <p>2</p> <p>3 EXAMINATION BY PAGE</p> <p>4 Mr. Farrell 5</p> <p>5</p> <p>6 PLAINTIFF'S EXHIBITS MARKED</p> <p>7 None</p> <p>8</p> <p>9 DEFENDANT'S EXHIBITS MARKED PAGE</p> <p>10 60, November 2016 Subpoena to Bevan Law Firm 9</p> <p>11 61, Order ECF number 381 and 382 12</p> <p>12 - - - - -</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
| Page 3 | Page 5 |
| <p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 On Behalf of the Defendant Thomas D. Halket: (Via</p> <p>4 Telephone):</p> <p>5 Eric Tunis, Esq.</p> <p>6 Herold Law, PA</p> <p>7 25 Independence Boulevard</p> <p>8 Warren, New Jersey 07059</p> <p>9 908.647.1022</p> <p>10 Etunis@heroldlaw.com</p> <p>11</p> <p>12 On Behalf of the Defendant Arthur Dornbusch (Via</p> <p>13 Telephone):</p> <p>14 John A. Boyle, Esq.</p> <p>15 Marino, Tortorella & Boyle, PC</p> <p>16 437 Southern Boulevard</p> <p>17 Chatham Township, New Jersey 07928</p> <p>18 973.824.9300</p> <p>19 Jboyle@khmarino.com</p> <p>20</p> <p>21 On Behalf of the Bevan Law Firm:</p> <p>22 Brendan Little, Esq.</p> <p>23 Levy Konigsberg, LLP</p> <p>24 800 Third Avenue, 11th Floor</p> <p>25 New York, New York 10022</p> <p>212.605.6200</p> <p>blittle@levylaw.com</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 WHEREUPON,</p> <p>2 THOMAS W. BEVAN, ESQ.,</p> <p>3 after being first duly sworn, as hereinafter</p> <p>4 certified, testified as follows:</p> <p>5 CROSS-EXAMINATION</p> <p>6 BY MR. FARRELL:</p> <p>7 Q. Good morning, Mr. Bevan. I see you have some</p> <p>8 documents and materials with you. Can you tell me</p> <p>9 what you brought with you today?</p> <p>10 A. My newspaper, my calendar, my pad of paper, a</p> <p>11 bunch of business cards, a bunch of political</p> <p>12 stuff.</p> <p>13 Q. Any documents that relate to the Williams case?</p> <p>14 A. No.</p> <p>15 Q. Have you ever been deposed before?</p> <p>16 A. Yes.</p> <p>17 Q. Can you tell me every case in which you've given</p> <p>18 deposition testimony?</p> <p>19 A. I gave -- I gave a deposition in a case involving</p> <p>20 a lawsuit against a former attorney in my law</p> <p>21 firm. I gave a deposition in a malpractice case</p> <p>22 against my law firm, and I gave a deposition in a</p> <p>23 case that my law firm had filed against the Ohio</p> <p>24 Bureau of Workers' Compensation.</p> <p>25 Q. What was the subject matter of the malpractice</p> |

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| <p style="text-align: right;">Page 6</p> <p>1 case?</p> <p>2 MR. ROTH: If -- I mean, we're taking a</p> <p>3 corporate -- not a corporate, a records</p> <p>4 deposition here, so if you want to ask these</p> <p>5 substantive questions about his experience as</p> <p>6 a witness, that's fine, but this could be</p> <p>7 anybody.</p> <p>8 MR. FARRELL: We're two minutes in a</p> <p>9 deposition where you were noting the length</p> <p>10 of time and we're already into speaking</p> <p>11 objections. I'm setting up a question as to</p> <p>12 whether it relates to this case and whether</p> <p>13 there are documents.</p> <p>14 Q. Do you have a copy of the deposition testimony you</p> <p>15 gave in the three cases you listed?</p> <p>16 A. I don't know.</p> <p>17 MR. BOYLE: Hi, this is John Boyle. Has</p> <p>18 the deposition started?</p> <p>19 MR. FARRELL: Yes.</p> <p>20 Q. Is that something you can check on, as to whether</p> <p>21 you have the deposition transcripts from any of</p> <p>22 those three cases?</p> <p>23 A. Yes. And to be clear, I doubt that I have the</p> <p>24 transcript on the first two depositions that I</p> <p>25 mentioned. The last deposition in the case</p> | <p style="text-align: right;">Page 8</p> <p>1 correct?</p> <p>2 A. I have filed probably in the neighborhood of in</p> <p>3 excess of a thousand, maybe 2- or 3,000 cases of</p> <p>4 people that were tire workers at one point in</p> <p>5 time. I call them rubber workers.</p> <p>6 Q. So you can check and then let Mr. Roth know</p> <p>7 whether you have the deposition transcripts from</p> <p>8 any of these three cases?</p> <p>9 A. Sure.</p> <p>10 Q. Has anybody else from your firm given deposition</p> <p>11 testimony?</p> <p>12 A. I think in the case involving the Bureau of</p> <p>13 Workers' Compensation, that yes, Pat Walsh gave a</p> <p>14 deposition in that case.</p> <p>15 Q. So same request there, you'll check if you have</p> <p>16 the transcript and provide it to Mr. Roth?</p> <p>17 A. Yes.</p> <p>18 Q. Has anybody from your firm given testimony as a</p> <p>19 records custodian?</p> <p>20 A. I don't believe so.</p> <p>21 Q. Have you ever given live testimony outside of a</p> <p>22 deposition? A trial, a hearing, anything like</p> <p>23 that?</p> <p>24 MR. ROTH: Objection.</p> <p>25 A. I believe in a hearing, yes.</p> |
| <p style="text-align: right;">Page 7</p> <p>1 against the Bureau of Workers' Compensation I may</p> <p>2 have, but I could check on that fairly easily.</p> <p>3 Q. Did the litigation relating to the former attorney</p> <p>4 of your firm or the malpractice case relate to</p> <p>5 your handling of asbestos litigation matters?</p> <p>6 A. The malpractice case involved an asbestos workers'</p> <p>7 compensation claim that a former associate of the</p> <p>8 law firm was handling.</p> <p>9 Q. You know the name of that case?</p> <p>10 A. The individual's name was Clayton Cook.</p> <p>11 Q. And he alleged that your firm had mishandled the</p> <p>12 case in some way?</p> <p>13 A. Yeah, the former associate had not filed something</p> <p>14 that he was supposed to file on the workers'</p> <p>15 compensation claim.</p> <p>16 Q. Did the case relate to the tire worker litigation</p> <p>17 at all?</p> <p>18 A. I don't know what you mean by "tire worker</p> <p>19 litigation," but this man was not a tire worker.</p> <p>20 Q. You don't know what I mean by the tire worker</p> <p>21 litigation?</p> <p>22 A. I don't know what you mean by tire worker</p> <p>23 litigation.</p> <p>24 Q. You've been filing cases on behalf of current and</p> <p>25 former tire workers for more than two decades,</p> | <p style="text-align: right;">Page 9</p> <p>1 Q. What hearing was that?</p> <p>2 A. I believe that involved the case of a former</p> <p>3 attorney of our law firm.</p> <p>4 Q. The first case you mentioned?</p> <p>5 A. The first case I mentioned, yes.</p> <p>6 Q. Do you know the name of that case?</p> <p>7 A. I believe it was something along the lines of</p> <p>8 Bevan & Associates versus Raymond Powell.</p> <p>9 Q. Okay. Where was that filed?</p> <p>10 A. Summit County, Ohio.</p> <p>11 Q. So was the hearing in the Summit County</p> <p>12 Courthouse?</p> <p>13 A. Yes.</p> <p>14 (Whereupon, Defendant's Exhibit 60 was</p> <p>15 marked for identification.)</p> <p>16 Q. Let me show you what we've premarked for</p> <p>17 identification as Defense Exhibit 60. This is a</p> <p>18 copy of the November 21st, 2016 subpoena that BASF</p> <p>19 served on the Bevan Law Firm in the Williams case.</p> <p>20 I take it you've seen this before?</p> <p>21 A. I believe I've seen this, yes.</p> <p>22 Q. You have seen this before?</p> <p>23 A. I believe I have. Just looking at it, just looked</p> <p>24 at the first few pages, I think I've seen this.</p> <p>25 Q. But you're not sure if you've seen it before?</p> |

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| <p style="text-align: right;">Page 10</p> <p>1 A. I am not positive, but I think I have.</p> <p>2 Q. Were you the person at the Bevan Law Firm who was</p> <p>3 responsible for responding to the subpoena on</p> <p>4 behalf of your firm?</p> <p>5 A. I was the head person responsible, yes.</p> <p>6 Q. Why do you say "the head person"?</p> <p>7 A. Well, I didn't do everything involved in it, but I</p> <p>8 oversaw it all.</p> <p>9 Q. Who else was involved in responding to the BASF</p> <p>10 subpoena?</p> <p>11 A. It would be Erin Clark in my firm and Pat Walsh.</p> <p>12 Q. Erin Clark is a paralegal at your firm?</p> <p>13 A. Yes.</p> <p>14 Q. And Mr. Walsh is an associate?</p> <p>15 A. Well, he's my partner in the law firm.</p> <p>16 Q. He's a partner. Anyone else?</p> <p>17 A. I don't recall anyone else.</p> <p>18 Q. Are there any documents in the possession, custody</p> <p>19 or control of the Bevan Law Firm that are</p> <p>20 responsive to that subpoena that have not yet been</p> <p>21 produced or logged?</p> <p>22 A. No.</p> <p>23 Q. So that's not correct, right? We know there's at</p> <p>24 least some e-mails that have not yet been logged</p> <p>25 that were just produced to BASF last night,</p> | <p style="text-align: right;">Page 12</p> <p>1 of your law firm, all documents that are</p> <p>2 responsive to BASF's subpoena have either been</p> <p>3 provided to Mr. Roth's law firm or put on a</p> <p>4 privilege log?</p> <p>5 A. Correct.</p> <p>6 (Whereupon, Defendant's Exhibit 61 was</p> <p>7 marked for identification.)</p> <p>8 Q. Let me show you what we've premarked as Exhibit</p> <p>9 Number 61. This is actually two documents</p> <p>10 together. A November 30th, 2017 order from the</p> <p>11 special master in the Williams case with ECF</p> <p>12 number 381 on it and then a December 6th, 2017</p> <p>13 amendment to that order with ECF number 382. Have</p> <p>14 you seen these documents before?</p> <p>15 A. I believe I have.</p> <p>16 Q. If you turn to page 3 of the first document,</p> <p>17 ECF381, I'm looking at paragraph 4.</p> <p>18 MR. ROTH: I have two copies of 372.</p> <p>19 MR. ASSAF: Keep going. We'll get you a</p> <p>20 copy.</p> <p>21 Q. Paragraph 4 calls for the deposition that brings</p> <p>22 us here today, correct?</p> <p>23 A. What I'm looking at, yes. Exhibit 61, correct.</p> <p>24 Q. You have an ECF381 at the top, correct?</p> <p>25 A. I -- this says ECF372 at the top.</p> |
| <p style="text-align: right;">Page 11</p> <p>1 correct?</p> <p>2 A. I don't know what you're talking about.</p> <p>3 Q. You weren't aware that a batch of Bevan Law Firm</p> <p>4 e-mails were produced to BASF last night in the</p> <p>5 Williams case?</p> <p>6 A. I don't know what was produced last night.</p> <p>7 Q. Who would know that?</p> <p>8 A. Well, it sounds like you know it and I assume</p> <p>9 whoever -- if somebody produced something to you,</p> <p>10 they would know it.</p> <p>11 Q. Okay. We'll get back to that. So to your</p> <p>12 knowledge, every document that your firm has in</p> <p>13 its possession, custody or control that's</p> <p>14 responsive to BASF's subpoena has either been</p> <p>15 produced to BASF or put on a privilege log?</p> <p>16 A. I will say that it's been -- as I have not had</p> <p>17 direct involvement with you, I have not given</p> <p>18 anything to BASF or any of the defense counsel.</p> <p>19 Anything that I've given, I have given to counsel</p> <p>20 that's representing the plaintiffs or that's</p> <p>21 representing the firm.</p> <p>22 Q. Okay. But you're here in the capacity as the</p> <p>23 records custodian of your law firm, correct?</p> <p>24 A. Yes.</p> <p>25 Q. So as far as you're aware as the records custodian</p> | <p style="text-align: right;">Page 13</p> <p>1 Q. The header, sir.</p> <p>2 A. Oh, up top. Okay. Document 381 at the very</p> <p>3 center top, yes.</p> <p>4 Q. Okay. Can you turn to paragraph 6 on page 4 of</p> <p>5 the document we've marked as Exhibit 61?</p> <p>6 Paragraph 6 says, "Further ordered that to the</p> <p>7 extent written policies regarding document</p> <p>8 retention exist, the request for an order</p> <p>9 commanding the production of any document</p> <p>10 retention policies or memoranda from Plaintiffs'</p> <p>11 counsel and Bevan and the same hereby is granted."</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. So there's -- this is a paragraph ordering the</p> <p>15 production of document retention policies from the</p> <p>16 Bevan Law Firm, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And there's actually three components here. One</p> <p>19 is the Bevan Law Firm's document retention</p> <p>20 policies, right?</p> <p>21 A. That's the way I read it, yes.</p> <p>22 Q. Two is any memoranda from Plaintiffs' counsel,</p> <p>23 Mr. Roth's firm, sent to you calling for the</p> <p>24 preservation of documents, correct?</p> <p>25 A. Yes.</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 Q. And three is any memoranda from the Bevan firm 2 itself calling for the preservation of documents? 3 A. I'm not sure where you're getting at that. 4 Q. The third line from Plaintiffs' counsel and Bevan, 5 right? So there's a separate memoranda from 6 Bevan. 7 A. Okay. 8 Q. So it's your understanding that paragraph 6 of 9 this order called for the production of any 10 memoranda that the Bevan Law Firm prepared calling 11 for the preservation of documents? 12 MR. ROTH: Objection. Form and 13 foundation. 14 A. I -- you know, I can view it that way, sure. I 15 don't have any objection to your characterization 16 of it. 17 Q. You don't dispute it? 18 A. No. 19 Q. Okay. No documents have been produced in response 20 to this paragraph 6 by the Bevan firm, correct? 21 A. I don't believe so because I know we do not have a 22 document retention policy. I don't recall ever 23 receiving a memoranda from Plaintiffs' counsel, 24 and I know I've never issued a memoranda regarding 25 preservation of any documents.</p> | <p style="text-align: right;">Page 16</p> <p>1 Q. What is the informal policy? 2 A. Well, I don't recall us ever destroying electronic 3 documents. 4 Q. Is there any auto delete function in your e-mail 5 system, for example? 6 A. I'm not sure what an auto delete function is, so I 7 don't know. I don't believe. 8 Q. Does the e-mail system at the Bevan Law Firm 9 automatically discard e-mails after a certain 10 period of time? 11 A. I don't know. 12 Q. Did you look into that before you came here to 13 testify as the Bevan records custodian? 14 A. I don't think I did, no. 15 Q. Is it something you could determine after the 16 deposition today? 17 A. I'm not sure what you're asking for, so I don't 18 know the answer to that. 19 Q. You're not familiar with the concept of an e-mail 20 system automatically deleting e-mails after a 21 certain period of time? 22 A. No. 23 Q. So your e-mail system at the Bevan firm retains 24 every e-mail that is sent and received for all 25 time?</p> |
| <p style="text-align: right;">Page 15</p> <p>1 Q. So no one at the Bevan Law Firm issued a written 2 document hold notice in anticipation of filing the 3 Williams class action, correct? 4 A. I'm not sure what a document hold notice is, but 5 nobody from my law firm ever issued any kind of a 6 written document saying not to destroy any 7 documents. 8 Q. You're not even sure what a memoranda like that 9 would look like? 10 A. I've never seen one in my firm. We don't operate 11 that way. 12 Q. How long has your firm been in existence? 13 A. Well, in its formal version, since 1994, I think. 14 Q. Since 1994? Since 1994, has your firm ever sent 15 out a memorandum calling for the preservation of 16 documents? 17 A. Not that I recall. 18 Q. Does the professional responsibility insurer for 19 the Bevan Law Firm require a document retention 20 policy? 21 A. I don't recall that ever being a requirement. 22 Q. Is there any policy at the Bevan Law Firm 23 regarding the retention or destruction of 24 electronic documents? 25 A. There's no formal policy, no.</p> | <p style="text-align: right;">Page 17</p> <p>1 A. I don't know. 2 Q. Can you find out the answer to that question? 3 A. I can try to find out the answer to that question. 4 I don't use a firm e-mail, if that's what 5 you're -- 6 Q. What e-mail do you use? 7 A. I use AOL. Same thing I've been using since 2000 8 or 2001. 9 Q. Since 2000 you've been using an AOL e-mail 10 address? 11 A. Maybe more recently. I don't know. Whenever I 12 started using e-mail. 13 Q. Was your AOL e-mail account searched for e-mails 14 in response to BASF's subpoena? 15 A. I searched it, yes. 16 Q. How did you search it? 17 A. I searched it for titles, Eastern Magnesia Talc, 18 talc, any word that I thought could have been 19 associated with it. 20 Q. Did you prepare a list of search terms that were 21 used? 22 A. No. 23 Q. So it was just something you did on the spot? 24 A. Something I did, yes. 25 Q. What other search terms did you use other than</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 Eastern Magnesia Talc?</p> <p>2 A. I don't recall. I'm sure talc would have been one</p> <p>3 of them, just talc.</p> <p>4 Q. Any other -- other than those two, any other</p> <p>5 search terms?</p> <p>6 A. I don't recall other search terms that I used.</p> <p>7 Q. BASF as a search term?</p> <p>8 A. I probably used BASF.</p> <p>9 Q. When did you do this search for e-mails in your</p> <p>10 AOL account?</p> <p>11 A. Some time ago. I don't recall when.</p> <p>12 Q. The last month? The last three months?</p> <p>13 A. I would say the last six months.</p> <p>14 Q. Did you find any responsive documents in your AOL</p> <p>15 e-mail account?</p> <p>16 A. I don't recall. I don't recall.</p> <p>17 Q. Another thing that you could check on and find the</p> <p>18 answer to?</p> <p>19 A. I could do it again. I mean, I don't know -- I</p> <p>20 don't have any paper trail. I can do it again.</p> <p>21 Q. There's no paper trail at all regarding your</p> <p>22 search for responsive e-mails in your AOL e-mail</p> <p>23 account?</p> <p>24 A. Not that I'm aware of. I don't know what kind of</p> <p>25 paper trail there would be.</p> | <p style="text-align: right;">Page 20</p> <p>1 send. I may have sent something.</p> <p>2 Q. Did you check your phone for responsive e-mails?</p> <p>3 A. I didn't do anything on my phone. I don't know</p> <p>4 how I would do that.</p> <p>5 Q. So you haven't checked your phone to see whether</p> <p>6 it contains e-mails that are responsive to BASF's</p> <p>7 subpoena?</p> <p>8 MR. ROTH: Objection.</p> <p>9 A. I don't think so. But my phone is AOL, so I check</p> <p>10 it on my computer at work.</p> <p>11 Q. Does anybody else at the Bevan firm use an e-mail</p> <p>12 account that's outside of the Bevan e-mail system?</p> <p>13 A. I think Pat Walsh uses AOL. You know, probably</p> <p>14 most of the attorneys are using something, you</p> <p>15 know, private e-mail account.</p> <p>16 Q. Most of the attorneys at your firm are using</p> <p>17 private e-mail accounts?</p> <p>18 A. We only have eight -- eight or ten attorneys, yes,</p> <p>19 so I think most of them are. I think.</p> <p>20 Q. Do all of the attorneys at your firm have a formal</p> <p>21 Bevan firm e-mail account?</p> <p>22 A. I think so.</p> <p>23 Q. And then in addition to that, they all use a</p> <p>24 private e-mail account of some sort to communicate</p> <p>25 regarding firm business?</p> |
| <p style="text-align: right;">Page 19</p> <p>1 Q. You use this AOL e-mail account for all aspects of</p> <p>2 your law practice?</p> <p>3 A. I do.</p> <p>4 Q. You communicate with clients through the AOL</p> <p>5 e-mail account?</p> <p>6 A. Very rarely, but on occasion, yes.</p> <p>7 Q. Have you communicated with any of the five class</p> <p>8 representatives in this case who had been</p> <p>9 represented by the Bevan firm via your AOL e-mail</p> <p>10 account?</p> <p>11 A. I don't believe so.</p> <p>12 Q. Do you communicate with any of your colleagues at</p> <p>13 the Bevan firm through your AOL e-mail account?</p> <p>14 A. Probably occasionally.</p> <p>15 Q. Occasionally? What sort of -- withdrawn.</p> <p>16 Why do you say only occasionally?</p> <p>17 A. I don't know -- we're a small firm, so if I'm</p> <p>18 going to talk to somebody, I usually go down the</p> <p>19 hall and talk to them. You know, there's probably</p> <p>20 an occasional e-mail, hey, let's all meet at</p> <p>21 such-and-such time or something like that.</p> <p>22 Q. Do you send and receive AOL e-mails on your phone?</p> <p>23 A. Yeah.</p> <p>24 Q. Did you check your --</p> <p>25 A. Well, I receive them. I don't know if I ever</p> | <p style="text-align: right;">Page 21</p> <p>1 A. As best I know, yes.</p> <p>2 Q. Were all of the personal e-mail accounts of the</p> <p>3 lawyers at the Bevan firm searched to determine</p> <p>4 whether they had e-mails that are responsive to</p> <p>5 BASF's subpoena?</p> <p>6 A. Anybody that would have had any relationship to</p> <p>7 this asbestos litigation.</p> <p>8 Q. So who would that -- which custodians?</p> <p>9 A. It would be -- I don't know what you mean by which</p> <p>10 custodian?</p> <p>11 Q. Which attorneys at the Bevan firm would have been</p> <p>12 involved in the asbestos cases and therefore had</p> <p>13 their e-mails checked?</p> <p>14 A. I believe it was Josh Grunda and Dave Bates, Pat</p> <p>15 Walsh, and myself.</p> <p>16 Q. Just the four of you?</p> <p>17 A. As far as I know, yes.</p> <p>18 Q. What about the paralegals at the Bevan firm? Do</p> <p>19 they use private e-mail accounts?</p> <p>20 A. I think they're probably using Bevan Law e-mail</p> <p>21 accounts.</p> <p>22 Q. But you don't know for sure one way or the other?</p> <p>23 A. I'm -- I'm not positive, but I think.</p> <p>24 Q. But it's possible they too use private e-mail</p> <p>25 accounts?</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 A. It's possible. I don't know.</p> <p>2 Q. Have you asked Erin Clark whether she uses a</p> <p>3 private e-mail account?</p> <p>4 A. I don't know I've ever specifically asked her</p> <p>5 that.</p> <p>6 Q. If you look further down -- I'm sorry. If you</p> <p>7 look at the second document that's attached to</p> <p>8 Exhibit 61, this is the one that has the ECF</p> <p>9 heading 382 on it. Do you see that?</p> <p>10 A. Okay. Yes.</p> <p>11 Q. This is an amendment of the November 30th, 2017</p> <p>12 order and you see on the bottom of page 2 onto</p> <p>13 page 3 there's amended language for paragraph 8.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. I won't read this whole thing in the interest of</p> <p>17 time. You can read it if you'd like to. But it</p> <p>18 says in words and substance that the Bevan firm</p> <p>19 shall review their perspective and physical</p> <p>20 electronic files of the named class</p> <p>21 representatives and the Bevan firm's physical and</p> <p>22 electronic files to determine whether e-mails</p> <p>23 exist. Do you see that at the top of page 3?</p> <p>24 A. Yes.</p> <p>25 Q. And then further down in the paragraph after Roman</p> | <p style="text-align: right;">Page 24</p> <p>1 going to do a search, so I don't know if I gave</p> <p>2 them the details or not.</p> <p>3 Q. Did they provide search terms to you?</p> <p>4 A. I don't recall.</p> <p>5 Q. So they left the process of identifying e-mails up</p> <p>6 to you and your law firm; is that fair?</p> <p>7 MR. ROTH: Objection. Form and</p> <p>8 foundation.</p> <p>9 A. We talked about it, so I don't really recall how</p> <p>10 we talked about it. They were involved, I know</p> <p>11 that.</p> <p>12 Q. Mr. Roth's firm was involved?</p> <p>13 A. Whether it was Mr. Roth or whether it was Brendan,</p> <p>14 I don't recall.</p> <p>15 Q. As you sit here today, was there any document</p> <p>16 describing the steps that were taken to identify</p> <p>17 e-mails that are responsive to BASF's subpoena?</p> <p>18 A. I'm -- I had a hard time following that one. I</p> <p>19 apologize. Could you say that again?</p> <p>20 Q. As we sit here today, is there any document that</p> <p>21 describes the steps that your law firm took to</p> <p>22 identify e-mails that are responsive to BASF's</p> <p>23 subpoena?</p> <p>24 A. Not that I recall.</p> <p>25 Q. So after you received the court's order in late</p> |
| <p style="text-align: right;">Page 23</p> <p>1 v, it says, "Immediately transfer to BASF copies</p> <p>2 of all documents where no privilege is being</p> <p>3 claimed." Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. What steps did the Bevan firm take to comply with</p> <p>6 this order of the court?</p> <p>7 A. We searched e-mails, like I talked about earlier.</p> <p>8 Q. So whose e-mails did you search?</p> <p>9 A. Mine, Pat Walsh, Erin Clark, Josh Grunda, Dave</p> <p>10 Bates. I think Brenda Germ. Anybody that would</p> <p>11 have been involved in the asbestos litigation.</p> <p>12 Q. Anyone else?</p> <p>13 A. I don't recall.</p> <p>14 Q. Which search terms did you use to identify e-mails</p> <p>15 from those individuals?</p> <p>16 A. I'm sure clients' names, you know, BASF, Eastern</p> <p>17 Magnesia Talc, talc.</p> <p>18 Q. Is there a written list?</p> <p>19 A. Not that I recall.</p> <p>20 Q. Did you confer with Mr. Roth or anybody from</p> <p>21 Mr. Roth's law firm about search terms that should</p> <p>22 be used to identify e-mails called for by the</p> <p>23 court's order?</p> <p>24 A. I don't recall if I told them what we were going</p> <p>25 to search for. I'm sure we told them that we were</p> | <p style="text-align: right;">Page 25</p> <p>1 November and early December, you undertook steps</p> <p>2 to identify e-mails?</p> <p>3 A. Yes.</p> <p>4 Q. Before receiving the court's November 30th, 2017</p> <p>5 order, had the Bevan firm done anything to try to</p> <p>6 identify e-mails that are responsive to BASF's</p> <p>7 subpoenas?</p> <p>8 A. I believe so, but I'm -- I'm not sure on the</p> <p>9 timing of all that.</p> <p>10 Q. So it's possible that before these orders, you</p> <p>11 hadn't searched for e-mails yet?</p> <p>12 MR. ROTH: Objection.</p> <p>13 A. I guess it's possible. I'm not -- I'm not sure.</p> <p>14 Q. In 2010 or 2011, before the Williams case was</p> <p>15 filed, did the Cohen Placitella law firm tell you</p> <p>16 to preserve the Bevan firm's e-mails that might</p> <p>17 relate to this case?</p> <p>18 A. I don't recall if we had a conversation about it</p> <p>19 or not. Prior -- excuse me, prior to this lawsuit</p> <p>20 being filed? I don't know if we had a</p> <p>21 conversation about it or not.</p> <p>22 Q. What about after this lawsuit was filed? Has</p> <p>23 there ever been a conversation with Cohen</p> <p>24 Placitella regarding the preservation of Bevan Law</p> <p>25 Firm e-mails?</p> |

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| <p style="text-align: right;">Page 26</p> <p>1 A. I'm sure there has been and I'm sure they told us</p> <p>2 to, you know, preserve everything. Don't destroy</p> <p>3 anything.</p> <p>4 Q. Is there any written document that discusses the</p> <p>5 Bevan Law Firm's preservation of e-mails?</p> <p>6 A. Not that I recall.</p> <p>7 Q. No e-mail confirmation from them to you regarding</p> <p>8 document preservation?</p> <p>9 A. I really don't know.</p> <p>10 Q. When did the conversation you're thinking of</p> <p>11 occur?</p> <p>12 A. I don't recall. I'm sure it would have been</p> <p>13 sometime in the last ten years, but I don't</p> <p>14 recall.</p> <p>15 Q. 2010? 2015? 2018?</p> <p>16 MR. ROTH: Objection.</p> <p>17 A. I -- oh, I'm sure it was before 2018. I don't</p> <p>18 recall when, though. It was some time ago.</p> <p>19 Q. Who was involved in the conversation?</p> <p>20 A. Chris Placitella.</p> <p>21 Q. You and Chris Placitella?</p> <p>22 A. Yes.</p> <p>23 Q. Anyone else?</p> <p>24 A. I don't recall anybody else.</p> <p>25 Q. What was said in the conversation?</p> | <p style="text-align: right;">Page 28</p> <p>1 subpoena?</p> <p>2 A. That would not surprise me. I mean, we're talking</p> <p>3 about a time when we did not use e-mail very</p> <p>4 often, so no, that wouldn't surprise me.</p> <p>5 Q. When did you -- when did your law firm start using</p> <p>6 e-mail?</p> <p>7 A. I don't know. I would say probably in the early</p> <p>8 2000s somewhere.</p> <p>9 Q. And you said you used AOL as of 2000, correct?</p> <p>10 A. I don't know when I first started using AOL, but</p> <p>11 AOL is what I've always used.</p> <p>12 Q. But 2000 give or take sounds roughly correct to</p> <p>13 you?</p> <p>14 A. You know, give or take, you know, years. But</p> <p>15 yeah.</p> <p>16 Q. So Ms. Darnell's case would have been within the</p> <p>17 period that you -- your law firm has used e-mail,</p> <p>18 correct?</p> <p>19 A. I don't know. Her -- her case would have</p> <p>20 concluded in 2002, so whether I was using e-mail</p> <p>21 to communicate on a business side, I don't think I</p> <p>22 was at that point, but I don't know.</p> <p>23 Q. Ms. Holley, who is the representative of</p> <p>24 Ms. Darnell, is still filing claims today,</p> <p>25 correct?</p> |
| <p style="text-align: right;">Page 27</p> <p>1 A. I recall Chris Placitella telling me not to</p> <p>2 destroy anything.</p> <p>3 Q. Anything else?</p> <p>4 A. I don't recall anything else.</p> <p>5 Q. What did you say?</p> <p>6 A. I said we would not.</p> <p>7 Q. So what steps did you take to ensure that nothing</p> <p>8 was destroyed?</p> <p>9 A. I didn't destroy anything, I guess would be the</p> <p>10 best way to put it.</p> <p>11 Q. Did you take any steps to override any systems you</p> <p>12 might have that would otherwise result in the</p> <p>13 deletion of electronic information?</p> <p>14 MR. ROTH: Objection.</p> <p>15 A. I don't know what systems those would be, so I --</p> <p>16 Q. You don't know?</p> <p>17 A. I don't know what you're talking about, so no, I</p> <p>18 don't know.</p> <p>19 Q. How many e-mails were identified in the process of</p> <p>20 the searches you undertook in November or December</p> <p>21 2017?</p> <p>22 A. I don't recall.</p> <p>23 Q. Does it sound right to you that before this week,</p> <p>24 fewer than 20 e-mails were identified by the Bevan</p> <p>25 Law Firm and produced to BASF in response to its</p> | <p style="text-align: right;">Page 29</p> <p>1 A. Yes.</p> <p>2 Q. Were you aware that not a single e-mail has been</p> <p>3 produced by your law firm related to Ms. Holley's</p> <p>4 claims?</p> <p>5 A. It wouldn't surprise me.</p> <p>6 Q. So nobody at the Bevan firm, in the course of the</p> <p>7 15 to 20 years that Mr. Darnell or Ms. Holley has</p> <p>8 been litigating asbestos cases, has ever used</p> <p>9 e-mail in connection with those cases?</p> <p>10 MR. ROTH: Objection.</p> <p>11 A. I cannot recall ever using an e-mail, and I was</p> <p>12 the one handling the case. So I don't think I've</p> <p>13 ever communicated by e-mail with Marilyn Holley.</p> <p>14 I'm certain I never communicated by e-mail with</p> <p>15 her mother, Kathryn Darnell. So --</p> <p>16 Q. What about any of the parties in that case?</p> <p>17 A. As far as the litigation, that was completed in</p> <p>18 2002 and I don't recall using e-mail for that</p> <p>19 purpose. But, you know, maybe we did, but I don't</p> <p>20 recall it.</p> <p>21 Q. How about e-mails related to the bankruptcy trust</p> <p>22 claims that have been filed?</p> <p>23 A. I don't know that there would be any e-mails</p> <p>24 related to that.</p> <p>25 Q. Not a single e-mail sent within the Bevan firm,</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 hey, what's the status of Ms. Holley's claim</p> <p>2 against this bankruptcy trust?</p> <p>3 A. Yeah, not that I know of.</p> <p>4 Q. Did you look for those sorts of e-mails?</p> <p>5 A. I believe those would have turned up on the</p> <p>6 search.</p> <p>7 Q. What search terms would have identified e-mails</p> <p>8 related to the bankruptcy trust filings?</p> <p>9 A. Darnell.</p> <p>10 Q. That's the only one?</p> <p>11 A. I assume it would be Darnell.</p> <p>12 Q. Does your AOL e-mail account automatically delete</p> <p>13 any of your e-mails?</p> <p>14 A. I don't know. I don't think so, but I don't know.</p> <p>15 Q. So all of the e-mails you've sent or received from</p> <p>16 your AOL e-mail account going back to when you</p> <p>17 first started using it are still available to you?</p> <p>18 A. Unless I deleted them.</p> <p>19 Q. Let's set aside the e-mails you've intentionally</p> <p>20 deleted for a minute. Are there any e-mails</p> <p>21 you've sent or received from your AOL account that</p> <p>22 have been deleted automatically by some computer</p> <p>23 system?</p> <p>24 A. I don't know that it does that, I don't think, but</p> <p>25 I don't know.</p> | <p style="text-align: right;">Page 32</p> <p>1 produced to BASF last night; is that correct?</p> <p>2 A. Yeah, I don't know what was produced. Yes -- no.</p> <p>3 Q. Do you know why these additional e-mails were</p> <p>4 produced last night?</p> <p>5 A. I don't know anything about it.</p> <p>6 Q. Were you aware that they were being produced?</p> <p>7 A. Not until you told me.</p> <p>8 Q. Do you know why they weren't produced to BASF in</p> <p>9 December of 2017?</p> <p>10 A. I don't know what they are, so I don't know.</p> <p>11 Q. Have you taken any steps to audit the searches</p> <p>12 that you've done to confirm that you actually</p> <p>13 found the documents you were looking for?</p> <p>14 A. I don't know what you mean by that.</p> <p>15 Q. Did you do anything to test, hey, did the search</p> <p>16 terms that I used actually find the documents that</p> <p>17 relate to Ms. Darnell's case, for example?</p> <p>18 A. I don't -- I don't know other than we found</p> <p>19 documents when we did a search, so --</p> <p>20 Q. Other than doing the search itself, you didn't</p> <p>21 take any additional steps to confirm that your</p> <p>22 searches were actually identifying the documents</p> <p>23 that were called for by BASF's subpoena?</p> <p>24 A. I guess I looked at the documents that came up on</p> <p>25 that search and they were, in fact, you know,</p> |
| <p style="text-align: right;">Page 31</p> <p>1 Q. You don't know one way or the other?</p> <p>2 A. I believe not, but I don't know.</p> <p>3 Q. But you've deleted e-mails from your AOL account?</p> <p>4 A. Sure.</p> <p>5 Q. What's your normal practice for deciding to delete</p> <p>6 an e-mail?</p> <p>7 A. If it's an irrelevant e-mail that I don't need to</p> <p>8 keep, then I get rid of it.</p> <p>9 Q. What do you mean by "irrelevant e-mail"?</p> <p>10 A. It's, you know, a junk e-mail. It's an e-mail</p> <p>11 regarding subject matter that doesn't concern me.</p> <p>12 If there's no purpose for keeping it.</p> <p>13 Q. Do you keep all of the e-mails that you send or</p> <p>14 receive related to cases you're handling?</p> <p>15 A. I don't think so.</p> <p>16 Q. So you routinely discard those?</p> <p>17 A. If it's not something that needs to be kept, yes.</p> <p>18 Q. Did you continue doing that after the end of 2010?</p> <p>19 A. I do it to this day. If it's not an e-mail I need</p> <p>20 to keep, I would delete it.</p> <p>21 Q. Do you recall deleting any e-mails relating to the</p> <p>22 subject matter of the Williams case since 2010?</p> <p>23 A. I do not recall, no.</p> <p>24 Q. I think you told me earlier, Mr. Bevan, that you</p> <p>25 weren't aware that additional e-mails were</p> | <p style="text-align: right;">Page 33</p> <p>1 documents that were properly identified.</p> <p>2 Q. Did you take any steps to see whether the search</p> <p>3 terms you used were not identifying some of the</p> <p>4 documents that were responsive to BASF's subpoena?</p> <p>5 MR. ROTH: Objection.</p> <p>6 A. I don't know what steps I could have taken. I</p> <p>7 don't know.</p> <p>8 Q. But you didn't take any?</p> <p>9 MR. ROTH: Objection.</p> <p>10 A. I don't know what would qualify for that, so I</p> <p>11 don't know really.</p> <p>12 Q. We haven't yet received a privilege log related to</p> <p>13 the e-mails that were produced to BASF last night.</p> <p>14 Do you know the status of that privilege log?</p> <p>15 A. No.</p> <p>16 Q. Are you responsible for preparing it?</p> <p>17 A. No.</p> <p>18 Q. Who is preparing the privilege logs on behalf of</p> <p>19 the Bevan firm?</p> <p>20 A. I would assume either Brandon or the Placitella</p> <p>21 firm.</p> <p>22 Q. Will we get the privilege log before the end of</p> <p>23 this week?</p> <p>24 A. I leave that to them.</p> <p>25 Q. So you don't know?</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 A. I don't know.</p> <p>2 Q. Do you keep your AOL e-mails in the new mail</p> <p>3 folder in AOL or to an old mail folder on your AOL</p> <p>4 account?</p> <p>5 A. If -- if it's something that I'm -- if I don't</p> <p>6 want to lose sight of it, I would keep it in the</p> <p>7 new mail. If I don't think it's something that I</p> <p>8 need to have within sight, then I would let it go</p> <p>9 to the old e-mail.</p> <p>10 Q. So there are some e-mails that you do move to</p> <p>11 the -- to a folder?</p> <p>12 A. I don't move anything, no. I believe if you open</p> <p>13 it up and if I want to keep it in new mail, I then</p> <p>14 have to hit "mark as unread." If I want it</p> <p>15 to -- if I just don't need it at all, I can hit</p> <p>16 "delete" and it goes away, as far as I know. If I</p> <p>17 don't hit "delete" and I don't hit "mark as</p> <p>18 unread," then it goes into old, I believe is the</p> <p>19 way it works.</p> <p>20 Q. Okay. For the e-mails that go into the old</p> <p>21 folder, do you dispute that e-mails in that old</p> <p>22 folder are automatically deleted after 30 days?</p> <p>23 A. Oh, yeah, I would dispute that for sure.</p> <p>24 Q. So you have e-mails going back more than 30 days</p> <p>25 in the old mail folder?</p> | <p style="text-align: right;">Page 36</p> <p>1 e-mails that have been produced to BASF concerning</p> <p>2 the Graham case?</p> <p>3 MR. ROTH: Objection.</p> <p>4 A. That's all we were able to locate.</p> <p>5 Q. How many defendants were in the Graham case when</p> <p>6 it was filed?</p> <p>7 A. I don't know. I would say 20 or 30, but I don't</p> <p>8 really know.</p> <p>9 Q. Does north of 90 sound correct to you?</p> <p>10 A. You know, it could have been. I don't really</p> <p>11 know.</p> <p>12 Q. So the Bevan firm filed litigation against a</p> <p>13 couple of dozen defendants at least on behalf of</p> <p>14 Mrs. Graham, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And that case was pending for several months, if</p> <p>17 not years, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And then after the formal litigation was over,</p> <p>20 your firm continued to file bankruptcy trust</p> <p>21 claims on behalf of Mrs. Graham or her estate,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. So we're talking about multiple years of</p> <p>25 litigation or bankruptcy trust filings, right?</p> |
| <p style="text-align: right;">Page 35</p> <p>1 A. Oh, I -- when I search, when I searched e-mails</p> <p>2 more than 30 days come up for sure. So whether</p> <p>3 that's being held in old mail or somewhere else, I</p> <p>4 guess I really don't know, but they don't</p> <p>5 disappear, I know that. You know, if I don't</p> <p>6 delete it, it doesn't disappear, as far as I know.</p> <p>7 Because if I search it, I can find e-mails from</p> <p>8 three years ago.</p> <p>9 Q. So we talked a bit about the Darnell case. You</p> <p>10 were saying at that period of time you didn't know</p> <p>11 to what extent e-mails were used. What about the</p> <p>12 Catherine Graham case, which was 2008, give or</p> <p>13 take? I assume your firm was using e-mails by</p> <p>14 2008?</p> <p>15 A. I assume, yes.</p> <p>16 Q. Did you search your AOL e-mail account for e-mails</p> <p>17 related to the Graham case?</p> <p>18 A. Yes.</p> <p>19 Q. And you searched the Bevan Law Firm e-mails for</p> <p>20 e-mails related to the Graham case?</p> <p>21 A. Yes.</p> <p>22 Q. What about the personal e-mail accounts of</p> <p>23 attorneys at the Bevan firm?</p> <p>24 A. We searched those, too. Yes.</p> <p>25 Q. Do you know why there are only a couple of dozen</p> | <p style="text-align: right;">Page 37</p> <p>1 A. Yes.</p> <p>2 Q. So in the multiple years of litigation or</p> <p>3 bankruptcy trust filings, again, several dozen</p> <p>4 defendants or bankruptcy trusts, your firm has</p> <p>5 only identified a couple of dozen e-mails? Is</p> <p>6 that your testimony?</p> <p>7 MR. ROTH: Objection.</p> <p>8 A. I'm basing it on your representation that we</p> <p>9 produced -- we produced what we had. Okay. So</p> <p>10 that's what we found. I don't -- I didn't count</p> <p>11 them, so I don't know how many.</p> <p>12 Q. What did you do to prepare for this deposition,</p> <p>13 Mr. Bevan?</p> <p>14 A. I looked at the deposition notice, thought about</p> <p>15 what we did in response to the document request.</p> <p>16 Q. Did you talk to anybody about what you did?</p> <p>17 A. No.</p> <p>18 Q. Did you review any of the documents that had been</p> <p>19 produced?</p> <p>20 A. I did not.</p> <p>21 Q. Did you review correspondence related to materials</p> <p>22 that had been produced by your firm?</p> <p>23 MR. ROTH: Well, object to the form.</p> <p>24 A. No.</p> <p>25 Q. So you looked at the deposition notice and you</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 thought about what had been done and that was the</p> <p>2 extent of your preparation for today?</p> <p>3 A. Yes. I didn't know what else I could have done,</p> <p>4 so --</p> <p>5 Q. Well, you could have talked to the people who</p> <p>6 participated in the collection of documents,</p> <p>7 correct?</p> <p>8 A. I didn't need to. I did it at the time. I know</p> <p>9 what we talked about.</p> <p>10 Q. Well, so if you did it at the time and you didn't</p> <p>11 need to talk to anybody, then you can tell me how</p> <p>12 many e-mails were produced by your firm, correct?</p> <p>13 A. I never counted them, and I'm sure they didn't</p> <p>14 count them either.</p> <p>15 Q. But it was not something you looked into before</p> <p>16 coming here today to testify as the records</p> <p>17 custodian of your firm?</p> <p>18 MR. ROTH: Objection.</p> <p>19 A. I wasn't asked to testify about how many e-mails</p> <p>20 we produced or the number of e-mails we produced</p> <p>21 to the relation to the Graham case.</p> <p>22 Q. You thought that was beyond the scope of this</p> <p>23 deposition?</p> <p>24 MR. ROTH: Objection.</p> <p>25 A. I don't see the importance of it, but --</p> | <p style="text-align: right;">Page 40</p> <p>1 Q. Did you tell them by e-mail?</p> <p>2 A. I don't recall telling them by e-mail.</p> <p>3 Q. How do you recall telling them that?</p> <p>4 A. I know we've had oral conversations on it.</p> <p>5 Q. Who was involved in those conversations?</p> <p>6 A. I'm certain Mike Coren.</p> <p>7 Q. Anyone else?</p> <p>8 A. I believe Jared Placitella.</p> <p>9 Q. Anyone else?</p> <p>10 A. I don't recall.</p> <p>11 Q. When did you take the hard copy Bevan files</p> <p>12 concerning asbestos cases and convert them to</p> <p>13 electronic files?</p> <p>14 A. I believe it started in 2005, but I'm not positive</p> <p>15 of that.</p> <p>16 Q. When did you finish?</p> <p>17 A. Well, we do it on a regular basis. Anything new</p> <p>18 that comes in gets scanned and preserved</p> <p>19 electronically.</p> <p>20 Q. So even today you're doing that?</p> <p>21 A. Yes.</p> <p>22 Q. Have you been doing it -- have you been converting</p> <p>23 hard copy documents to electronic documents</p> <p>24 basically continuously since you started in 2005?</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">Page 39</p> <p>1 Q. You don't see the importance of identifying</p> <p>2 e-mails related to the Graham case in response to</p> <p>3 BASF's subpoena?</p> <p>4 A. That's not what I said.</p> <p>5 Q. You tell me, sir. What did you mean, you didn't</p> <p>6 see the importance of it?</p> <p>7 A. I didn't see the importance of the number of</p> <p>8 e-mails that we produced on the Graham case.</p> <p>9 Q. Before October 27, 2017, had you, in words or in</p> <p>10 substance, conveyed to your counsel, Mr. Little,</p> <p>11 or the Plaintiffs' counsel, the Cohen Placitella</p> <p>12 firm, that the Bevan Law Firm's documents</p> <p>13 concerning asbestos litigation had been scanned</p> <p>14 and converted into electronic files?</p> <p>15 A. I don't know when we conveyed that to them. I</p> <p>16 don't know. I know we conveyed it to them. When,</p> <p>17 I just don't know.</p> <p>18 Q. You can't tell me one way or the other?</p> <p>19 A. No.</p> <p>20 Q. Do you dispute that you told them that before</p> <p>21 October of 2017?</p> <p>22 MR. ROTH: Objection.</p> <p>23 A. I really don't know when we -- I told them that.</p> <p>24 Q. Are there any documents on that?</p> <p>25 A. I doubt it.</p> | <p style="text-align: right;">Page 41</p> <p>1 Q. What happens to the original hard copy documents</p> <p>2 after you scan them?</p> <p>3 A. They get discarded.</p> <p>4 Q. Why do you do that?</p> <p>5 A. Because the purpose of having electronic copies is</p> <p>6 for easier access and easier storage, and so it</p> <p>7 wouldn't make any sense to have both an electronic</p> <p>8 copy and a hard copy.</p> <p>9 Q. In your mind, is there any material difference</p> <p>10 between an electronic version of a document and</p> <p>11 the original hard copy of a document?</p> <p>12 MR. ROTH: Objection.</p> <p>13 A. In my mind, no.</p> <p>14 Q. Do you think that when you first</p> <p>15 started -- withdrawn.</p> <p>16 When you first started communicating with</p> <p>17 the Cohen Placitella firm in the late 2010, 2011</p> <p>18 time period regarding the filing of the Williams</p> <p>19 case, did you tell them at that time that you had</p> <p>20 scanned your hard copy files into electronic</p> <p>21 files?</p> <p>22 A. I don't recall.</p> <p>23 Q. You don't know one way or the other?</p> <p>24 A. No.</p> <p>25 Q. Did they ask you about your files?</p> |


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| <p style="text-align: right;">Page 42</p> <p>1 A. I don't recall.</p> <p>2 Q. Any e-mail correspondence about that?</p> <p>3 A. Not that I recall.</p> <p>4 Q. Why did you start scanning hard copy files in</p> <p>5 2005?</p> <p>6 MR. ROTH: Objection.</p> <p>7 A. We were running out of storage space. We were</p> <p>8 adding as much as a file cabinet a week to our</p> <p>9 client files and it was becoming too complicated</p> <p>10 to keep track of files, too complicated to keep</p> <p>11 track of the contents of the files, and we decided</p> <p>12 we needed to go a better way, and that's why we</p> <p>13 went electronic.</p> <p>14 Q. Did you scan every piece of paper that you had in</p> <p>15 hard copy form as of 2005?</p> <p>16 A. I believe we did, yes.</p> <p>17 Q. So nothing was -- withdrawn.</p> <p>18 To your knowledge, were there any hard</p> <p>19 copy documents that have not been scanned by the</p> <p>20 Bevan Law Firm?</p> <p>21 A. Well, since we went electronic, I don't recall</p> <p>22 anything that hasn't been scanned.</p> <p>23 Q. What were your file storage practices before 2005?</p> <p>24 A. We had a physical file for every client, and as</p> <p>25 things came in pertaining to that client's case,</p> | <p style="text-align: right;">Page 44</p> <p>1 claims, I'm not sure because I'm not sure of the</p> <p>2 time frame.</p> <p>3 So once we got to the electronic storage,</p> <p>4 nothing was being destroyed, even while bankruptcy</p> <p>5 claims were being filed. But from a time</p> <p>6 standpoint, I don't know on the timing on that.</p> <p>7 Q. Okay. So if I understand you correctly, for</p> <p>8 anything done after 2005 on behalf of a client,</p> <p>9 you have all of their documents, correct?</p> <p>10 A. I'm going to again preface that and say I'm not</p> <p>11 sure of the exact date. I'm saying around 2005</p> <p>12 would have been the earliest.</p> <p>13 Q. Okay.</p> <p>14 A. It may have been 2006. You know, I don't know.</p> <p>15 Q. You tell me if I have this wrong, but sometime</p> <p>16 around 2005 or 2006, your firm started a process</p> <p>17 of scanning all documents received relating to</p> <p>18 cases you were handling, correct?</p> <p>19 A. Yeah, documents that we would receive, yes.</p> <p>20 Q. And since you started --</p> <p>21 A. Let me preface that. You know, if it was a case</p> <p>22 that we were litigating and somebody sent us a</p> <p>23 pleading in the mail, we wouldn't scan that if it</p> <p>24 was an irrelevant pleading or something that we</p> <p>25 didn't need. We wouldn't scan that.</p> |
| <p style="text-align: right;">Page 43</p> <p>1 things were stuck into that physical file.</p> <p>2 Q. And how long would they -- withdrawn.</p> <p>3 How long would the documents put in</p> <p>4 client files be kept?</p> <p>5 A. There was no formal policy, so from time to time,</p> <p>6 you know, I would thin out a file or if we</p> <p>7 concluded a case, I would destroy everything that</p> <p>8 I thought wasn't necessary to keep. Just try to</p> <p>9 shrink it down just for space reasons.</p> <p>10 Q. Would you thin out a file, to use your words,</p> <p>11 while bankruptcy trust claims were still being</p> <p>12 filed on behalf of that client?</p> <p>13 A. I don't know.</p> <p>14 Q. Do you dispute that client files of the Bevan firm</p> <p>15 would have been discarded in some respect while</p> <p>16 bankruptcy trust claims were being filed or were</p> <p>17 pending on behalf of clients?</p> <p>18 MR. ROTH: Objection.</p> <p>19 A. I don't know, and the reason why is because</p> <p>20 primarily that bankruptcy filing started in 2005</p> <p>21 or sometime around there is when 75 or 90 percent</p> <p>22 of the bankruptcy trusts went online and we</p> <p>23 started filing those claims. So whether we had</p> <p>24 gotten to the point of electronic storage by the</p> <p>25 time we started filing all those bankruptcy</p> | <p style="text-align: right;">Page 45</p> <p>1 Q. How did you determine whether it was worth</p> <p>2 scanning or not?</p> <p>3 A. I looked at it and determined whether I wanted to</p> <p>4 scan it or not.</p> <p>5 Q. You were the one who decided that or did somebody</p> <p>6 else decide it?</p> <p>7 A. It would be mostly me.</p> <p>8 Q. So for cases that were pending after you started</p> <p>9 the scanning project, some of the documents</p> <p>10 related to those cases may have been discarded,</p> <p>11 correct?</p> <p>12 A. If it would be court pleadings, correct.</p> <p>13 Q. Where do you keep the scanned version of these</p> <p>14 documents?</p> <p>15 A. Scanned -- I'm assuming that it is on our server.</p> <p>16 I'm not a computer expert, but I believe that's</p> <p>17 where they would be.</p> <p>18 Q. You're not sure, though?</p> <p>19 A. You're talking about where the computer is or -- I</p> <p>20 mean, it's on a computer, so it's --</p> <p>21 Q. Well, you have to save electronic data someplace,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. It has to be saved to a drive someplace?</p> <p>25 A. Yes.</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 Q. What drive are your electronic files saved to?</p> <p>2 A. It's on some -- on the computer somewhere. I</p> <p>3 don't know what the name of the drive is.</p> <p>4 Q. Okay. But you have -- withdrawn.</p> <p>5 The Bevan firm has a server that contains</p> <p>6 client documents, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Did your firm search that server for documents</p> <p>9 that are responsive to BASF's subpoena?</p> <p>10 A. Yes.</p> <p>11 Q. How did you do that?</p> <p>12 A. Again, we searched terms. You know, whether it</p> <p>13 would be BASF, talc, Eastern Magnesia Talc, we did</p> <p>14 a search on the computer to see what documents</p> <p>15 came up with those terms in it.</p> <p>16 Q. Are the documents word searchable?</p> <p>17 A. There's -- and I want to be clear, there's two</p> <p>18 different things. There's the client files. I</p> <p>19 don't know whether those are word searchable or</p> <p>20 not. They're in a program called Intact. Other</p> <p>21 documents would be, as far as I know, searchable</p> <p>22 because we did a search for that and pulled up</p> <p>23 documents related to that.</p> <p>24 Q. So some of the documents are word searchable and</p> <p>25 some are not?</p> | <p style="text-align: right;">Page 48</p> <p>1 that case --</p> <p>2 A. Okay.</p> <p>3 Q. -- would your firm have saved that motion in</p> <p>4 Ms. Darnell's client file or in the other file</p> <p>5 you're referring to?</p> <p>6 A. Most likely neither. If the defendant filed a</p> <p>7 motion, it would be on the electronic court</p> <p>8 docketing. At the time of the Darnell, it was</p> <p>9 probably the Clad system. So we wouldn't have</p> <p>10 saved anything, we would have just went to the</p> <p>11 Clad system if we wanted to find a motion that was</p> <p>12 filed.</p> <p>13 Q. What if it wasn't a filing? Let's take a</p> <p>14 different example. What if defense counsel sent</p> <p>15 you a letter concerning the Darnell case --</p> <p>16 A. Okay.</p> <p>17 Q. -- what would you do with that letter?</p> <p>18 A. That, at the time I was litigating the Darnell</p> <p>19 case, I would have had a hard file and I would</p> <p>20 have had a correspondence file in that hard file</p> <p>21 and I would have stuck it in there, if I thought</p> <p>22 it was worthy to save. You know, if it was just,</p> <p>23 hey, nice seeing you at the deposition, no, I</p> <p>24 would throw it away. But if it was something I</p> <p>25 thought needed to be saved, I would put it in</p> |
| <p style="text-align: right;">Page 47</p> <p>1 MR. ROTH: Objection.</p> <p>2 A. I don't know the answer to that.</p> <p>3 Q. You don't know?</p> <p>4 A. I do not know.</p> <p>5 Q. Who would know?</p> <p>6 A. I don't know.</p> <p>7 Q. Is there anybody at the Bevan Law Firm who could</p> <p>8 tell us whether some portion of the Bevan Law Firm</p> <p>9 electronic documents are word searchable?</p> <p>10 A. You're going to have to be a bit more clear.</p> <p>11 Okay. We have the client files, okay. So for</p> <p>12 instance, these specific client files that we</p> <p>13 talked about, which is Graham and Darnell and</p> <p>14 Clark and Williams and, I think Weir, we didn't</p> <p>15 search those client files because we produced the</p> <p>16 whole file. So we didn't do a search on it.</p> <p>17 Their stuff wouldn't be in somebody else's file.</p> <p>18 With respect to documents, primarily</p> <p>19 pleadings, it could be correspondence or</p> <p>20 pleadings, we did a search on that and pulled up</p> <p>21 documents on that. Those aren't documents that</p> <p>22 are part of the client file. They're just</p> <p>23 documents that are, you know, in the computer.</p> <p>24 Q. So to take an example, if a defendant in</p> <p>25 Mrs. Darnell's asbestos case filed a motion in</p> | <p style="text-align: right;">Page 49</p> <p>1 that.</p> <p>2 Q. And when you say "in that," this correspondence</p> <p>3 file, is that separate from the client file?</p> <p>4 MR. ROTH: Objection.</p> <p>5 A. And again, I'm speaking of when we litigated</p> <p>6 Darnell, but the same goes for, you know, Williams</p> <p>7 and Clark. And at the time we didn't have an</p> <p>8 electronic filing, so I would have put it in the</p> <p>9 hard file. When the litigation part of the</p> <p>10 Darnell case was over, that's when I would have</p> <p>11 culled that file to, you know, save what I thought</p> <p>12 needed to be saved.</p> <p>13 Q. Does the Bevan Law Firm have a file related to the</p> <p>14 National Tire Worker Litigation Project?</p> <p>15 A. And to be clear, you're talking about the project</p> <p>16 started by Attorney Stemple in the 1980s?</p> <p>17 Q. I'm talking about the project known as the</p> <p>18 National Tire Worker Litigation Project. You've</p> <p>19 heard that before, correct?</p> <p>20 A. I've heard it in terms of a project started by</p> <p>21 Attorney Gordon Stemple from California, and he</p> <p>22 started that in the mid-1980s. So I've heard of</p> <p>23 that, yes.</p> <p>24 Q. In fact, your firm has handled cases alongside</p> <p>25 Mr. Stemple, right?</p> |

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| <p style="text-align: right;">Page 50</p> <p>1 A. I would -- I would say definitely not alongside</p> <p>2 Mr. Stemple. I would say that -- so I would say</p> <p>3 no in answer to your specific question.</p> <p>4 Q. You haven't seen court filings that has your</p> <p>5 firm's name right next to the Stemple firm's name?</p> <p>6 A. I don't recall if I've seen court filings that had</p> <p>7 Stemple's name on it.</p> <p>8 Q. Okay. Based on your understanding of what the</p> <p>9 National Tire Worker Litigation Project is, has</p> <p>10 your firm ever had a file on the National Tire</p> <p>11 Worker Litigation Project?</p> <p>12 A. Not that I know of. A file dedicated to the</p> <p>13 National Tire Worker Litigation Program? No.</p> <p>14 Q. Have you ever had a file related to the National</p> <p>15 Tire Worker Litigation Project?</p> <p>16 A. Well, when I started as a law firm in 1989, we had</p> <p>17 approximately 180 cases or so, and those cases had</p> <p>18 originated through the Stemple firm, which he</p> <p>19 titled the National Tire Litigation Project.</p> <p>20 Q. Okay. My question was, has your firm ever had a</p> <p>21 file related to the National Tire Worker</p> <p>22 Litigation Project?</p> <p>23 A. Not that I know of.</p> <p>24 Q. Is there a person at the Bevan firm who is</p> <p>25 responsible for your electronic server?</p> | <p style="text-align: right;">Page 52</p> <p>1 A. Correct.</p> <p>2 Q. If you received a piece of correspondence relating</p> <p>3 to that case, how would you file that</p> <p>4 correspondence? Would it go into client A's file?</p> <p>5 Client B's file? All of their files? Ten copies</p> <p>6 of the same letter? How would you handle that?</p> <p>7 A. I don't -- I don't think it would go in into each</p> <p>8 file. I guess I would look at it and determine if</p> <p>9 it was a letter that I even needed to save. If it</p> <p>10 was thanks for agreeing to a 30-day continuance,</p> <p>11 I'm going to toss it in the trash. I never saved</p> <p>12 a piece of paper like that.</p> <p>13 Q. What if it was something more substantive?</p> <p>14 A. I -- you know, I can't think of it. I'm trying to</p> <p>15 think of an instance. If it was -- the best I can</p> <p>16 do is give you an example. Okay. So if it was a</p> <p>17 letter pertaining to a settlement of cases, I may</p> <p>18 have a settlement file. For instance, I had a</p> <p>19 talc settlement file, and if I had a letter</p> <p>20 pertaining to that and I thought it was something</p> <p>21 I should keep, I would stick it in my talc</p> <p>22 settlement file.</p> <p>23 Q. Has the entirety of talc settlement file been</p> <p>24 produced to BASF?</p> <p>25 A. It was produced to counsel.</p> |
| <p style="text-align: right;">Page 51</p> <p>1 A. What do you mean by "responsible"?</p> <p>2 Q. Do you have an IT person?</p> <p>3 A. We have, not in the house, an IT person.</p> <p>4 Q. Is there somebody responsible for organizing the</p> <p>5 files on your server?</p> <p>6 A. I guess the best way I can answer that is when we</p> <p>7 scan a file, the computer program Intact organizes</p> <p>8 those files. So when we scan a file, it's got a</p> <p>9 cover sheet on there, identifies what the document</p> <p>10 is and the computer program -- program</p> <p>11 automatically sticks it in that file. So I would</p> <p>12 say Intact is responsible for organizing those</p> <p>13 files.</p> <p>14 Q. Okay. No human being?</p> <p>15 A. Well, the human being puts the documents in the</p> <p>16 scanner, but then the document gets automatically</p> <p>17 placed in that file by the program, as far as I</p> <p>18 know.</p> <p>19 Q. Over the course of your career, Mr. Bevan, you</p> <p>20 filed asbestos cases on behalf of multiple</p> <p>21 plaintiffs at the same time, correct?</p> <p>22 A. Correct.</p> <p>23 Q. So you'd have five, ten, whatever the number is</p> <p>24 plaintiffs, co-plaintiffs who were all in the same</p> <p>25 case?</p> | <p style="text-align: right;">Page 53</p> <p>1 Q. So Mr. Roth's firm has the whole talc settlement</p> <p>2 file?</p> <p>3 A. Correct.</p> <p>4 Q. How many documents were in the talc settlement</p> <p>5 file?</p> <p>6 A. I don't know. I didn't count them.</p> <p>7 Q. An inch? Two inches? Six boxes?</p> <p>8 A. I would say -- I would say anywhere from 6 inches</p> <p>9 to 12 inches.</p> <p>10 Q. Okay. And Mr. Roth has all of those documents?</p> <p>11 A. Correct.</p> <p>12 Q. Do you have any what I would call a general</p> <p>13 file --</p> <p>14 A. Actually, let me -- I'm not sure if Mr. Roth has</p> <p>15 it or Mr. Little. I'm not sure which one has it.</p> <p>16 MR. ROTH: So by my count, when we were</p> <p>17 interrupted a couple of seconds ago, it was</p> <p>18 an hour. I don't know whether you've had a</p> <p>19 time on here.</p> <p>20 MR. FARRELL: I just have two more</p> <p>21 questions. Are we calling it an hour or not?</p> <p>22 MR. ROTH: I'm calling it an hour, but I</p> <p>23 don't know what time -- what -- whether, you</p> <p>24 know, somebody's got it -- I don't want to</p> <p>25 have a dispute, no longer than an hour.</p> |

| <p style="text-align: right;">Page 54</p> <p>1 MR. FARRELL: Can I ask my one more</p> <p>2 question or no?</p> <p>3 MR. ROTH: You can ask the question.</p> <p>4 I'll decide whether he can answer it. Let me</p> <p>5 see the document.</p> <p>6 MR. FARRELL: Sure.</p> <p>7 MR. ROTH: Does this relate to your last</p> <p>8 question in terms of where it's stored?</p> <p>9 MR. FARRELL: Yeah.</p> <p>10 Q. Let me show you, Mr. Bevan, what we have</p> <p>11 previously marked as Defendant's Exhibit 8. It</p> <p>12 was marked at Ms. Holley's deposition in this case</p> <p>13 from last April. And you see this is a May 25,</p> <p>14 2001 letter from the Mansour Law Firm to you</p> <p>15 concerning Ms. Darnell's case and others.</p> <p>16 A. Uh-huh.</p> <p>17 Q. My question for you, you received this letter at</p> <p>18 the time in 2001, right?</p> <p>19 A. I don't recall the letter, but, you know, it looks</p> <p>20 like a communication that I could have received</p> <p>21 from Sam Martillotta.</p> <p>22 Q. Do you know why this letter wasn't produced from</p> <p>23 the Bevan Law Firm's files? Response to BASF's</p> <p>24 subpoena?</p> <p>25 MR. ROTH: Objection, but --</p> <p style="text-align: right;">Page 55</p> <p>1 A. I could give you a couple different possibilities.</p> <p>2 Q. Go ahead.</p> <p>3 A. The likely possibility is I didn't save it, okay,</p> <p>4 and so I wouldn't have had it to produce. That's</p> <p>5 the most likely possibility. The second</p> <p>6 possibility is I passed it on to counsel and they</p> <p>7 didn't produce it to BASF.</p> <p>8 Q. All right. Thank you, Mr. Bevan.</p> <p>9 MR. BEVAN: Do you guys want me to read</p> <p>10 this or can I waive?</p> <p>11 MR. ROTH: I think you can read it.</p> <p>12 - - - - -</p> <p>13 (Signature was not waived by the Witness.)</p> <p>14 - - - - -</p> <p>15 (The deposition was concluded at 12:52 p.m.)</p> <p>16 - - - - -</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">Page 56</p> <p style="text-align: center;">W I T N E S S C E R T I F I C A T E</p> <p>1</p> <p>2</p> <p>3 I, THOMAS W. BEVAN, ESQ., do hereby certify that I</p> <p>4 have read my deposition taken on February 21, 2018, in</p> <p>5 the case of Kimberlee Williams, et al., versus BASF</p> <p>6 Catalysts, LLC, et al., consisting of 58 pages, and</p> <p>7 that said deposition is a true and correct</p> <p>8 transcription of my testimony with changes as noted on</p> <p>9 the errata sheet.</p> <p>10</p> <p>11 _____</p> <p>12 Thomas W. Bevan, Esq.</p> <p>13 Dated this _____ day of _____, 2018.</p> <p>14</p> <p>15</p> <p>16</p> <p>17 Sworn to and subscribed before me this _____</p> <p>18 day of _____, 2018.</p> <p>19</p> <p>20</p> <p>21 _____</p> <p>22 Notary Public</p> <p>23 My commission expires _____.</p> <p>24</p> <p>25</p> <p>AP</p> <p style="text-align: right;">Page 57</p> <p style="text-align: center;">ERRATA SHEET</p> <p>1</p> <p>2 Witness Name: Thomas W. Bevan, Esq.</p> <p>3 Date of Deposition: February 21, 2018</p> <p>4 Case: Kimberlee Williams, et al. Versus BASF</p> <p>5 Catalysts, LLC, et al.</p> <p>6</p> <table border="1"> <thead> <tr> <th>Page</th> <th>Line</th> <th>Change and Reason for Change</th> </tr> </thead> <tbody> <tr><td>6</td><td>_____</td><td>_____</td></tr> <tr><td>7</td><td>_____</td><td>_____</td></tr> <tr><td>8</td><td>_____</td><td>_____</td></tr> <tr><td>9</td><td>_____</td><td>_____</td></tr> <tr><td>10</td><td>_____</td><td>_____</td></tr> <tr><td>11</td><td>_____</td><td>_____</td></tr> <tr><td>12</td><td>_____</td><td>_____</td></tr> <tr><td>13</td><td>_____</td><td>_____</td></tr> <tr><td>14</td><td>_____</td><td>_____</td></tr> <tr><td>15</td><td>_____</td><td>_____</td></tr> <tr><td>16</td><td>_____</td><td>_____</td></tr> <tr><td>17</td><td>_____</td><td>_____</td></tr> <tr><td>18</td><td>_____</td><td>_____</td></tr> <tr><td>19</td><td>_____</td><td>_____</td></tr> <tr><td>20</td><td>_____</td><td>_____</td></tr> <tr><td>21</td><td>_____</td><td>_____</td></tr> <tr><td>22</td><td>_____</td><td>_____</td></tr> <tr><td>23</td><td>_____</td><td>_____</td></tr> <tr><td>24</td><td>_____</td><td>_____</td></tr> <tr><td>25</td><td>_____</td><td>_____</td></tr> </tbody> </table> <p>AP</p> | Page | Line | Change and Reason for Change | 6 | _____ | _____ | 7 | _____ | _____ | 8 | _____ | _____ | 9 | _____ | _____ | 10 | _____ | _____ | 11 | _____ | _____ | 12 | _____ | _____ | 13 | _____ | _____ | 14 | _____ | _____ | 15 | _____ | _____ | 16 | _____ | _____ | 17 | _____ | _____ | 18 | _____ | _____ | 19 | _____ | _____ | 20 | _____ | _____ | 21 | _____ | _____ | 22 | _____ | _____ | 23 | _____ | _____ | 24 | _____ | _____ | 25 | _____ | _____ |
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1 C E R T I F I C A T E
 2 STATE OF OHIO,)
 3) SS:
 4 SUMMIT COUNTY.)
 5 I, Anika W. Patrick, a Registered Merit Reporter,
 6 Certified Realtime Reporter and Notary Public within
 7 and for the State of Ohio, duly commissioned and
 8 qualified, do hereby certify that the within-named
 9 Witness, THOMAS W. BEVAN, ESQ., was by me first duly
 10 sworn to testify the truth, the whole truth and nothing
 11 but the truth in the cause aforesaid; that the
 12 testimony so given by him was by me reduced to
 13 Stenotypy in the presence of said witness; afterwards
 14 prepared and produced by means of Computer-Aided
 15 Transcription, and that the foregoing is a true and
 16 correct transcription of the testimony so given by him
 17 as aforesaid.
 18 I do further certify that this deposition was
 19 taken at the time and place in the foregoing caption
 20 specified, and was completed without adjournment.
 21 I do further certify that I am not a relative,
 22 employee of or attorney for any party or counsel, or
 23 otherwise financially interested in this action.
 24 I do further certify that I am not, nor is the
 25 court reporting firm with which I am affiliated, under
 a contract as defined in Civil Rule 28(D).
 IN WITNESS WHEREOF, I have hereunto set my hand
 and affixed my seal of office at Akron, Ohio, this 28th
 day of February, 2018.



Anika W. Patrick, RMR, CRR & Notary Public
 My commission expires March 13, 2020

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